

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

JANUARY 2, 2007

KENDALL-DEAN SCHOOL

7:00 P.M.

The meeting was called to order at 7:00 P.M. and began with the prayer and the pledge to the flag. Council members present were Mr. Keeley, Mr. Leclerc, Mr. Lovett, Mr. Zwolenski and Mrs. Thibault. Town Administrator Lowe and Town Solicitor Hadden were also in attendance.

LIQUOR LICENSE VIOLATION HEARING RE: TOWN & COUNTRY LIQUORS

Mr. Hadden notified the Council that he had spoken with Steven DiLibero, attorney for Town & Country Liquors. They agreed to continue this hearing to January 16, 2007. In the meantime they will discuss a possible resolution. Mr. Dalti, owner of Town & Country Liquors, will be in district court on January 9th for an administrative violation.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to continue this hearing to January 16, 2007.

EXECUTIVE SESSION

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to enter executive session at 7:03 P.M.

pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss the claim of Peter Cardin-Prochniak.

MOTION by Mr. Lovett, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to come out of executive session at 7:25 P.M. and to seal the minutes. No motions were made and no votes were taken.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve funds from the contingency account to provide an increase in the budget of North Smithfield Fire & Rescue Service Inc. of \$5,000.00 in response to a request for a budget increase as a result of claim of injury beyond the \$50,000.00 insured limit. This shall not be construed as an admission or agreement to pay awards beyond North Smithfield Fire & Rescue insured caps for injuries to

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this or other NSF&RS employees. Further amounts requested shall be substantiated and monitored by NSF&RS.

SCHOOL SAFETY AND BUILDING SECURITY

School Committee Chair Robert Lafleur asked the Council for support in the development of building safety/security specifications in

conjunction with the new middle school building security specifications. He noted the specifications would be for three school buildings.

Superintendent of Schools Stephen Lindberg added that there would be no additional cost to have specifications for the other two schools.

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to proceed with the School Building Committee and the School Committee building security specifications to go out to bid and to come back before the Council for review.

AWARD OF BID – HALLIWELL SCHOOL COMPUTER LAB

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on a roll call vote that, based upon the recommendation of the Director of Technology and the Finance Director, the following components be awarded to Dell: (1) 30-Module Notebook Cart - \$1,409.00; (1) Dell 5110n Laser Printer - \$975.00; (1) 3M Digital Whiteboard - \$8,035.00; and (1) 9200iC Height Mobile Cart - \$1,268.00.

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on a roll call vote that, based upon the recommendation of the Director of Technology and the Finance Director, the following components be awarded to Office Depot: (1) Panasonic DVD/VHS/HD - \$410.00; (16) 60 x 24 Tables - \$2,808.00; and (32) Computer Lab Chairs - \$1,763.19.

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on a roll call vote that, based upon the recommendation of the Director of Technology and the Finance Director, the following components be purchased according to the State Master Price Agreement: (32) Dell Latitude D520 Laptops from Dell - \$38,223.68; (32) Software licenses from ASAP - \$2,862.36; and (1) Cisco Aironet 1100 AP from Pomeroy - \$400.80.

The total of all items is \$58,115.03.

ASSESSMENT FOR WATER TIE-IN FOR SLATERSVILLE RIVER PROPERTIES

Mr. Zwolenski referred to Section 8-3 of the code of ordinances noting that it states the finance director, with the approval of the town council, is authorized to collect a one-time municipal fee from all newly constructed and newly created multifamily developments of twelve or more units or such units created in existing structures at the rate of \$2,500.00 per unit. Following this formula the town should be collecting roughly \$570,000 for these units. Instead the number is coming in at \$287,350.00.

Mr. Lovett asked for clarification on the \$287,000.

Mr. Lowe answered that when that ordinance was written, the town

was on a well system and the \$2,500.00 is the amount that could have been charged to enable the town to provide them with water. He continued that out of the \$287,000 there is \$100,000 that goes to the sewer system. Mr. Lowe spoke with Woonsocket officials. They charge a \$4,300.00 hook-up fee for condominiums because they believe they will not win in court with a high amount.

Mr. Lowe explained the town charged a \$9,500.00 fee for each of two mains that Slatersville River Properties (SRP) installed. In addition they were charged \$750.00 per unit. In the future SRP will be charged annually \$125.00 per unit for the meter charge. The town would have to justify the increase in costs for the water hook-up.

Mr. Lovett noted that several months ago Slatersville River Properties came before the Council and he had been concerned whether he could participate in any discussions regarding this development because he was an abutter. Mr. Lovett did contact the Ethics Commission to seek

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an advisory opinion and the answer he received was that there was no conflict.

It was Mr. Lovett's understanding there would have been a \$2,500.00 fee per condo if the development required a new water source.

Mr. Leclerc had a problem with the assessment. According to the ordinance the town should collect the \$2,500.00 per unit. The town is giving away too much. In the future the Council needs to be notified in writing prior to a commitment in order to enable them to review terms of an agreement or contract.

Mr. James Cournoyer of 64 Tifft Road felt the ordinance was very clear. It does not specify condos and the \$2,500.00 fee was known by all parties. The developers of SRP stated publicly that they were “treading water” because they did not know who they would be getting water from. Mr. Cournoyer believed the town must take into consideration the costs incurred for all of the water expansion done in town and that makes the \$2,500.00 justifiable. He asked if there was some documentation as to how the \$750.00 came into existence.

Mr. Lowe reiterated that the recommendation that was before the Council this evening came from the Water Advisory Subcommittee, not from him. He explained that in arriving at the \$750.00 figure, they followed the same philosophy that the Sewer Commission follows as far as usage and the wear and tear on the system.

Mrs. Thibault, as chairperson of the Water Advisory Subcommittee, did not equate this ordinance with the SRP development because they were already a water user. While she was Town Administrator, Mrs. Thibault had three municipal wells go down and water was established for fire suppression. She corrected the misconception

that the Slatersville development was the biggest benefactor of the water connection. Mrs. Thibault believes the biggest benefactors are the users who now have clean water.

MOTION by Mr. Zwolenski and seconded by Mr. Leclerc to table approval of the assessment to the Slatersville River Properties Water Tie-In until the Town Council has a written analysis from the Water Advisory Subcommittee. Roll call: Mr. Keeley – no; Mr. Leclerc – yes; Mr. Lovett – no; Mr. Zwolenski – yes; and Mrs. Thibault – no. The motion failed 3 to 2.

MOTION by Mr. Zwolenski and seconded by Mr. Leclerc to not accept the agreement for the assessment to Slatersville River Properties for a water tie-in. Roll call: Mr. Keeley – no; Mr. Leclerc – yes; Mr. Lovett – no; Mr. Zwolenski – yes; and Mrs. Thibault – no. The motion failed 3 to 2.

MOTION by Mr. Zwolenski and seconded by Mr. Leclerc to table approval of the assessment for the Slatersville River Properties water tie-in until the Town Council has received written documentation of the schedule regarding water-municipal fee-multi-family dwellings. This will be scheduled for the January 16th meeting. Roll call: Mr. Keeley – yes; Mr. Leclerc – yes; Mr. Lovett – no; Mr. Zwolenski – yes; and Mrs. Thibault – yes. The motion carried 4 to 1.

BUDGET COMMITTEE APOINTMENTS

Mr. Zwolenski appointed Joanne Peterson of 63 Pomona Street.

Mrs. Thibault appointed John Torvi of 244 Black Plain Road.

SCHOOL BUILDING COMMITTEE APPOINTMENTS

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote that the current members, namely David Chamberland, Edward Yazbak, Paul Vadenais, Stephen Lindberg, Paul Nordstrom, Jane Biron, John Perry and Scott Majeau, be reappointed with the understanding that Mr. Vadenais will serve until the School Committee has the opportunity to reaffirm his appointment.

SEWER COMMISSION APPOINTMENT

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to reappoint Michael Connolly to a five-year term that will expire on December 1, 2011.

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VETERANS ADVISOR APPOINTMENT

MOTION by Mr. Lovett, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to reappoint H. Farrell McMillan as the Veterans Advisor. This is a two-year term that will expire on December 1, 2008.

WATER ADVISORY SUB-COMMITTEE APPOINTMENT

Mr. Lowe commented that he thought this board had been created

hastily. He wondered if the Sewer Commission might consider taking this over since oftentimes water lines are built at the same time as sewer lines.

Mrs. Thibault suggested hiring a water consultant if the need arose but in the meantime she and Mr. Lowe would continue to serve on this committee.

**2ND READING ORDINANCE AMENDMENT RE: SALARIES & WAGES
MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to adopt the following ordinance: “It is ordained by the Town Council of North Smithfield, RI as follows: Chapter 13 of the Town Ordinance is amended to read: The following Table of Salaries and Wages to Pay Grades are approved for the fiscal year July 1, 2006 to June 30, 2007. This list includes elected, appointed, classified (non-contractual), classified (contractual) and non-classified.**

DEPARTMENT	FY05/06	FY06/07
1. General Government		
Town Administrator 7/1/06-11/30/06	75,000	27,083
Town Administrator 12/1/06-06/30/06		40,192
Grant Writer	13,935	14,353
Town Council (each) 7/06-11/06	2,550	1,275
Town Council (each) 12/06-6/07		1,275

Probate Judge	3,582	3,689
Board of Canvassers, Chairman	500	500
Board of Canvassers, (each)	400	400
Town Clerk	46,632	48,031
Deputy Town Clerk	27,011	27,821
Finance Director (7/1/05-12/31/05)	32,500	68,959
Finance Director (1/1/06-6/30/06)	33,475	
Asst. Finance Director	--	37,913
Personnel/Admin. Service Director		
Solicitor	53,800	55,414
Assistant Solicitor	20,000	20,600
Town Planner	50,961	52,490
Tax Assessor	40,060	41,262
Admin Asst to Administrator	28,124	28,968
Asst Tax Collector	18.07/hr	18.61/hr
Commission Secretary	15.45/hr	16.45/hr
Senior Clerk	17.04/hr	17.55/hr
Finance Clerk I	15.17/hr	15.63/hr
Finance Clerk II	13.64/hr	14.05/hr
Recording Clerk	13.64/hr	14.05/hr
Inspection Division Clerk	13.28/hr	13.67/hr
Secretary (Tax Assessor's)	13.28/hr	13.67/hr
Part time Finance Secretary	11.01/hr	11.34/hr
Planning Secretary	13.28/hr	13.67/hr

2. Public Safety

A. Building Inspector/Zoning Official	42,746	44,029
Electrical Inspector (Pt)	7,198	7,414
Plumbing Inspector (Pt)	3,149	3,243
Mechanical Inspector	3,149	3,243
Building/Zoning Inspector (Pt)	13,966	14,385
Assistant Electrical Inspector	3,200	3,296
Sealer of Weights and Measures	1	1
Police Chief	62,091	65,000
Administrative Asst to Police Chief	24,163	24,888

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Department	FY 05/06	FY 06/07
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3. Police Department

Captain	967.22/wk	996.24/wk
Lieutenant	943.82/wk	972.13/wk
Sergeant	920.40/wk	948.01/wk
Detective	897.01/wk	923.92/wk
Patrolman (over 1 year)	861.87/wk	887.73/wk
Probationary (6 mos/1 yr)	739.76/773.65/wk	761.95/706.86/wk

4. North Smithfield Local 937 Contract

Asst Highway Superintendent	18.67/hr	19.23/hr
Asst Labor Foreman	16.83/hr	17.33/hr
Animal Control Officer	17.16/hr	17.67/hr
Police Dispatcher (1st shift)	14.96/hr	15.41/hr
Police Dispatcher (2nd shift)	14.96/hr	15.76/hr
Police Dispatcher (3rd shift)	14.96/hr	15.91/hr
Police Clerk/Dispatcher (part time)	13.24/hr	14.71/hr
Mechanic	16.24/hr	17.73/hr
Mechanic/Driver	16.24/hr	16.73/hr
Equipment Operator	15.84/hr	16.32/hr
Truck Driver	15.15/hr	15.61/hr
Laborer	13.59/hr	13.99/hr
Highway Dispatcher	13.59/hr	13.99/hr

5. Public Works

Director of Public Works PT	1	15,894
Highway Superintendent	46,343	47,733
Water & Sewer Superintendent	47,029	48,440
Water & Sewer Supervisor		
Parks & Recreation Director	37,967	39,106
Tree Warden	1,630	1,679

P & R Maint PT	10.00/hr	10.00/hr
Playground Supt PT	10.00/hr	10.00/hr
	Supervisor	
	8.00/hr	8.00/hr
	Counselors	

Longevity Non-Contractual Personnel

Completion of five (5) years	2.75%	3.00%
Completion of ten (10) years	4.75%	5.00%
Completion of fifteen (15) years	5.25%	5.50%
Completion of twenty (20) years	5.75%	6.00%

***Effective with the approval of the dept budgets.**

The designation of a yearly salary is a designation of rate of pay only, and shall not be construed to create an employment relationship other than at will.

Benefits for non-contractual personnel, including but not limited to vacation, personal leave and sicktime, shall be governed by Chapter 13 of the Code of Ordinances and any other charter provisions, resolution of May 1, 2006 (relating to retirees) or ordinances relating thereto.

All non-contractual personnel who have elected health insurance

coverage benefits shall contribute the greater of \$40 per pay period toward the premium (\$1,040 per year) for family plans and \$16 per pay period (\$416 per year) for individual plans or the Local 937 current contract amount.

Amendments to Chapter 13 Salaries and Wages - Fiscal Year 2006/07

This ordinance shall become effective upon passage and all Ordinances or part of Ordinances inconsistent herewith are repealed.”

This constitutes the second reading.

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1ST READING ORDINANCE AMENDMENT RE: RECREATIONAL AND OTHER VEHICLES

Mr. Hadden presented an ordinance regarding use of recreational and other vehicles as well as fines associated with violations of these vehicles.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to accept this ordinance as a first reading.

Mr. Hadden suggested amending the language to read that the fines

be paid to the Town Clerk and deposited in a separate account to pay for maintenance and insurance.

Mr. Lowe asked that, before the second reading, Mrs. Gemma be included in any discussion about where to place the collected fines.

MOTION by Mr. Zwolenski, seconded by Mr. Lovett, and voted unanimously on an aye vote to add the following language to Paragraph (a): "... except in designated parking and traveling areas, except for the specific purpose of authorized maintenance or operation of such area, or for public health, safety or handicapped purposes, or without first obtaining and having in his possession written permission from the town for such operation."

The second reading was scheduled for January 16, 2007.

MOVEMENT OF HISTORICAL MILESTONE

Mr. Zwolenski read from Section 12-3 of the Code of Ordinances which states in part that it shall be unlawful for any person to wantonly break down, injure, remove, mar or destroy any monument or other memorial erected for the purpose of designating the boundaries of any street, highway or turnpike, or any tree, stake or other thing marked for that purpose etc.

The plans for the Dowling Village development call for the relocation

of the Caleb Aldrich Milestone that is currently located on Route 146A. He does not feel it should be moved in accordance with this ordinance.

Mr. Lovett asked if the milestone had previously been moved and Mr. Lowe responded that he had been told it had been moved two other times within a 100 foot radius. It is not truly a mile marker; the town considers it an historic stone.

Mr. Hadden noted the ordinance would apply to something the town owns or controls. The question is whether the town has control over this stone. It appears that the Historical Preservation & Heritage Commission has taken certain steps as though they have the authority to do so. Mr. Hadden knows of no power the town would have to trump that.

Mrs. Irene Nebiker, chair of the North Smithfield Historic District Commission, stated she had received a letter from the Assistant Director of the Historical Preservation & Heritage Commission last spring. It was his opinion that the marker stay where it is presently located. Mrs. Nebiker felt that if the stone is moved too much, the significance is lost.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to send letters to the RI Historical Preservation & Heritage Commission and to RI Department of

Transportation requesting that the milestone remain in its present location and that efforts be made by the developer to protect it from any vehicular traffic.

BUDGET TARGET FOR FY 2007/2008

Mrs. Thibault noted that the previous Council had set a budget target for the administration and she asked the present members to give some thought to a number for the January 16th meeting.

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to adjourn at 9:25 P.M.